

REMARKS

THE PRIOR ART REJECTION

The Cowan Reference

Cowan discloses a wireless communication system that provides software upgrades, which are wirelessly transmitted to a mobile device, based on a determination of whether such an upgrade is necessary (col. 2, lines 37-40). During an initial boot-up procedure, each mobile device queries a host computer connected to a system backbone to identify a version of operating software, which is stored in the host computer (col. 2, lines 41-44). If the mobile device does not currently have the operating software version identified by the host computer, the mobile device prompts the host computer to download the version stored in the host computer (col. 2, lines 48-51).

When a system operator wishes to change the operating software of one or more mobile terminals 36 within the system 20, the system operator simply loads the upgraded software into the host computer 30 (col. 6, lines 41-44). When a mobile terminal is next rebooted, the mobile terminal 36 will detect that the host computer 30 has an upgraded version of operating software and will proceed to request that the upgraded software be downloaded (col. 6, lines 47-51).

Each mobile terminal 36 also includes a memory 50, which may include a non-volatile portion for storing mobile terminal operating software, which is executed by the processor 40 in order to carry out the desired operation of the mobile terminal 36 (col. 7, lines 13-19). The processor 40 also stores in the memory 50 information relating to the version of mobile terminal operating software stored therein (col. 7, lines 38-40). The processor 40 compares this information with information received from the host computer 30 relating to the version of operating software for the mobile terminal 36, which is stored in the host computer 30 (col. 7, lines 40-44). If the host computer 30 has a different version of the operating software, the processor 40 proceeds to request that the host computer 30 download the new version and the processor 40 goes on to replace the previous operating software which was stored in the memory 50 with the upgraded operating software obtained from the host computer 30 (col. 7, lines 44-

51).

Claim 34 recites at least the features of "booting from said first memory to said second memory said existing and used programs and said added program, while not booting from said first memory said deleted existing program, based on said second indicia stored in said table."

Cowan provides a mobile terminal that stores a version of operating software in its memory. Upon initial boot-up, the mobile terminal of Cowan queries a host computer whether the version of the operating software stored in its memory is the same as that stored in the host computer. If the host computer has a different version of operating software, the different version, in its entirety, is then loaded into the mobile terminal.

The present invention, as claimed in claim 34, changes one or more existing programs in the mobile terminal by adding a new program, i.e., the added program, which is subsequently downloaded from a base station, or deleting an existing, but unused program, i.e., the deleted existing program. Unlike Cowan, the claimed invention does not change programs only at initial boot-up and need not download the entirety of programs comprising a different version of operating software to effect a change of programs. Thus, the claimed invention only loads those new and necessary programs, i.e., the added program, and only deletes those programs, i.e., the deleted existing program, which are not necessary to the new function of the terminal, rather than loading the entirety of a new operating program, as does Cowan.

Furthermore, nowhere does Cowan disclose, teach or suggest that programs stored in the terminal are characterized as an added program or a deleted existing program by the user's terminal because Cowan changes the entirety of the programs in the terminal, if the operating software version of the terminal's programs differ from the version stored in the host computer. Cowan does not characterize individual programs within the entirety of the operating software of the terminal.

Therefore, Cowan does not disclose, teach or suggest at least the features of "booting from said first memory to said second memory said existing and used programs and said added program, while not booting from said first memory said deleted existing program, based on said second indicia stored in said table," as recited in claim 34.

In addition, claim 34 recites at least the features of "copying existing and used programs from a second memory to a first memory of said terminal device; storing first indicia of said existing and used programs in a table of a third memory of said terminal device; ... [and] booting from said first memory to said second memory said existing and used programs and said added program, while not booting from said first memory said deleted existing program, based on said second indicia stored in said table."

Cowan discloses that in the event of the processor 40 determining that the host computer 30 has a new version of the operating system based on a difference between the version indicators, the processor continues to step 164 in which it stores in the memory 50 the contents of the package definition field 126 (col. 13, lines 29-34).

Nowhere does Cowan disclose, teach or suggest transferring a program from a first memory to a second memory based on indicia about the programs in the first and second memories.

Therefore, Cowan does not disclose, teach or suggest at least the features of "copying existing and used programs from a second memory to a first memory of said terminal device; storing first indicia of said existing and used programs in a table of a third memory of said terminal device; ... [and] booting from said first memory to said second memory said existing and used programs and said added program, while not booting from said first memory said deleted existing program, based on said second indicia stored in said table," as also recited in claim 34.

For at least the reasons outlined above, Applicant respectfully submits that Cowan does not disclose, teach or suggest every feature of claim 34. Accordingly, Cowan does not anticipate, or render obvious, the subject matter of claim 34.

CONCLUSION

In view of the foregoing, Applicant submits that claim 34, as discussed above, and remaining claims 1-33, that is, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is

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respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date:

12/15/03

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